

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

INTERNATIONAL PAINTERS AND ALLIED TRADES INDUSTRY PENSION FUND

Plaintiff,

V.

JMC GLASS & MIRROR, INC., a dissolved
Illinois corporation, *et al.*

Defendants.

CIVIL ACTION NO. 05-0955(PLF)

FILED

SEP 6 2005

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

DEFAULT JUDGMENT AND ORDER

In consideration of Plaintiff's Motion for Entry of Judgment by Default, the supporting Memorandum and Declarations, and this Court being duly advised in the premises, it is this ____ day of _____, 2005 ORDERED:

1. Plaintiff's Motion is GRANTED.
2. Judgment is entered in favor of Plaintiff, International Painters and Allied Trades Industry Pension Fund ("Pension Fund" or "Fund") and against Defendants, JMC Glass & Mirror, Inc., a dissolved Illinois corporation ("Company"), a/k/a JMC Glass & Mirror Inc. a/k/a JMC Glass & Mirror, Max Cheatham ("M. Cheatham"), individually and d/b/a JMC Glass & Mirror, Inc. a/k/a JMC Glass & Mirror Inc. a/k/a JMC Glass & Mirror and Joan Cheatham ("J. Cheatham" and jointly with M. Cheatham, "Individual Defendants" and together with Company "Defendants"), in the amount of \$9,945.11 which includes the following:

- (a) Contributions in the amount of \$5,506.83 for the period January 1, 2002 through June 30, 2004.
- (b) Interest on the unpaid contributions set out in ¶2(a) above through July 15, 2005 in the amount of \$741.81. The contribution amount in ¶2(a) will

continue to bear interest as provided in 29 U.S.C. §1132(g)(2)(B) and 26 U.S.C. §6621, as from time to time amended, until the date of actual payment.


- (c) Liquidated damages in the amount of \$1,101.36.
- (d) Attorneys' fees and costs in the amount of \$2,379.71 through July 15, 2005.
- (e) Audit fees in the amount of \$215.40.

3. Defendants, their owners, officers, agents, servant, attorneys, and all persons acting on their behalf or in conjunction with them shall be and hereby are restrained and enjoined from refusing to file complete, proper and timely remittance reports with accompanying pension contributions for all periods for which Defendants are obligated to do so under their collective bargaining agreement(s).

4. Within fifteen (15) days of a request by the Fund or its agents, Defendants shall make available to the designated representative of the Fund, all payroll books and related records of Defendants necessary for the Fund to ascertain the precise amount of contributions due and owing, if any, for the period from July 2004 to and including the date of the audit.

5. Within a reasonable time after completion of the inspection of the payroll books and records and the receipt of overdue remittance reports, the Fund will file with the Court and serve upon Defendants an itemized and verified list of all delinquent contributions, liquidated damages, interest, attorneys' fees, costs and expenses. Absent objection within five (5) business days of service upon Defendants, the Court will enter final judgment in favor of the Fund and against Defendants as requested in the filed statement. In the event of an objection, the Court will determine the need for a further hearing.

6. The Fund is awarded reimbursement of all additional attorneys' fees and costs it incurs in the collection and enforcement of this judgment as well as those incurred in the collection of any additional delinquent contributions which may be found to be due as a result of the audit provided for in this Order.


PAUL L. FRIEDMAN J.
United States District Judge

Dated: 9/1/05

Copies of this Default Judgment shall be sent to:

Sanford G. Rosenthal, Esquire
Jennings Sigmond, P.C.
The Penn Mutual Towers, 16th Floor
510 Walnut Street, Independence Square
Philadelphia, PA 19106-3683

JMC Glass & Mirror, Inc., a dissolved Illinois corporation
Max Cheatham
302 S. Lee Street
Bloomington, IL 61701

Joan Cheatham
301 Circuit Crt
East Peoria, IL 61602